IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 62 OF 2006

SMT. SMITA P. CHUNEKAR, CUMBHARJUA GOA. ....Appellant

Versus

M/S RAVIRAJ BUILDERS THROUGH ITS PROPRIETOR SHRI RAVINDRA D.NAIK AND ANR., ...Respondents

Mr. Mahesh Amonkar, Advocate for the Appellant.

Coram:- N. A. BRITTO, J.

Date:- 6th September, 2006

P.C.

Heard Shri Mahesh Amonkar, the learned Counsel on behalf of the appellant/Complainant.

2. The respondent/accused has again chosen not to remain present in the morning as well as in the afternoon session. The complaint came to be dismissed on 08.12.2005 inspite of the fact that the Complainant was present before the Court. It appears that the Complainant has submitted before the learned JMFC that her Advocate had proceeded to Mapusa and she was unable to depose in his absence and as the documents required to be produced were with her said Advocate. Inspite of the said representation having been made by the Complainant, the learned JMFC proceeded to dismiss the complaint for non-prosecution. Nothing would have been lost in case the complaint was adjourned to some other date with a view to enable the Complainant to proceed with her evidence.

3. Consequently, the Order dated 08.12.2005 is hereby set aside and the complaint is restored to file of the learned JMFC 'D' Court, Panaji.

The learned JMFC is hereby directed to proceed with the complaint, in accordance with law, after notifying the next date to the respondent/accused.

N. A. BRITTO, J.

arp/*